

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

U.S.A. vs. William Harrigan

Docket No. 7:07-CR-48-1F

Petition for Action on Supervised Release

COMES NOW Linwood E. King, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of William Harrigan, who, upon an earlier plea of guilty to False Statements in Connection with the Purchase of Firearms, in violation of 18 U.S.C. § 922(a)(6), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on January 6, 2009, to the custody of the Bureau of Prisons for a term of 12 months plus 1 day. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

William Harrigan was released from custody on December 31, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant commenced his term of supervised release in the Eastern District of New York on December 31, 2009, and his case is being supervised by United States Probation Officer Kenneth Wong. Reportedly, the defendant has maintained a stable residence at 236 Sterling Street, Basement, Brooklyn, New York 11225. Harrigan is currently employed as a rehabilitation technician for the Hospital for Spinal Surgeons in New York City, earning \$21 per hour. Furthermore, the defendant is enrolled with Kings Borough Community College, taking 9 credits in pre-requisite classes.

On August 31, 2011, USPO Wong received information from the defendant's former friend, Candice McGoodwin, that Harrigan had used her vehicle on or about March 17, 2011, without her consent, and caused an accident involving another vehicle. McGoodwin stated that Harrigan then filed an insurance claim through the other vehicle's insurance carrier, Country-Wide Insurance, using her car registration, and fraudulently directed a claims payment of \$3,826.85 to be made payable to him. The defendant received the claims payment on or about May 25, 2011. Harrigan utilized a portion of the money, \$1,300, as a down payment with Carter Brothers Automotive Repair, on or about June 7, 2011, to start repairs on the vehicle. The repairs were not completed because the

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defendant stopped making further payments, and the work on the vehicle was only completed after McGoodwin paid the remaining balance. Apparently, Harrigan kept the remaining balance of the insurance claim.

McGoodwin further reported that the defendant made verbal threats when she confronted him about the insurance money, return of her car documents, and repairs to her vehicle. She has submitted a written statement detailing all of the above-noted information.

On September 9, 2011, USPO Wong completed an investigation of McGoodwin's allegations against the offender by interviewing the Director of Special Investigations of Country Wide Insurance, the operators of Carter Brothers Automotive Repair, and reviewing the police accident report and various other documents. USPO Wong concluded the following:

(1) Harrigan used McGoodwin's vehicle without her authorization which is a violation of NYS PL 165.05(1), Unauthorized Use of a Vehicle in the Third Degree, a class A misdemeanor. McGoodwin has filed a police complaint, but thus far the local authorities have taken no action.

(2) The defendant fraudulently applied for an insurance claim with Country Wide Insurance, as the Director of Special Investigations reports that the offender represented himself as the owner of the claimant vehicle. The fraudulent insurance claim was sent through the U.S. Postal Service, and as such, it is a violation of 18 U.S.C. § 1341, Mail Fraud, a Class C felony. It is noted that Country Wide Insurance will file a civil suit against the defendant to recover the claim money.

(3) Harrigan failed to report police contact on his March 2011 Monthly Supervision Report (MSR), as the accident report was filed by the defendant at the 73rd Police Precinct on March 17, 2011.

During an office contact on September 20, 2011, the above-noted findings were addressed with the defendant. Harrigan admitted that he operated McGoodwin's vehicle without her authorization, and failed to report police contact on his MSR. However, the defendant denied that he committed insurance fraud, maintaining that McGoodwin had given him authorization to act on her behalf with Country Wide Insurance and Carter Brothers Automotive Repair.

An intermediate sanction of 90 days placement in a residential re-entry center was proposed to the defendant for his non-compliance. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. For a period of 90 days, the defendant shall reside in a Residential Re-Entry Center (RRC) approved by the Probation Department. While in the RRC, the defendant shall adhere to all rules and conditions established by the RRC, including the payment of subsistence costs.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Linwood E. King
Linwood E. King
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8682
Executed On: October 12, 2011

ORDER OF COURT

Considered and ordered this 13th day of October, 2011, and ordered filed and made a part of the records in the above case.



James C. Fox
Senior U.S. District Judge